

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SCOTT HILL,

Plaintiff,

vs.

**HYATT CORPORATION D/B/A HYATT
CENTRIC THE WOODLANDS,**

Defendant.

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CIVIL ACTION NO. 4:22-cv-03311

Jury Demand

DEFENDANT'S NOTICE OF REMOVAL

Defendant, Hyatt Corporation d/b/a Hyatt Centric The Woodlands ("Hyatt") files this Notice of Removal, as follows:

**I.
COURT AND PARTY INFORMATION**

1. HYATT CORPORATION D/B/A HYATT CENTRIC THE WOODLANDS ("Defendant") is the Defendant in this civil action commenced on September 6, 2022, in the 113th Judicial District of Harris County, Texas, entitled *Scott Hill v. Hyatt Corporation d/b/a Hyatt Centric The Woodlands*, Cause No. 202256026 ("State Court Action").

2. Copies of the (1) Plaintiff's Original Petition, including the (a) Civil Case Information Sheet and (b) Request for Issuance of Citation; (2) Citation to Defendant Hyatt Corporation (D/B/A Hyatt Centric The Woodlands); (3) Defendant Hyatt Corporation d/b/a Hyatt Centric The Woodland's Original Answer; and (4) the Civil Docket Sheet are attached hereto and constitute all process, pleadings and orders served in the State Court Action. *See* Index of State Court Documents attached hereto. The address for the 113th Judicial District of Harris County, Texas is as follows: Harris County Civil Courthouse, 201 Caroline, 10th Floor, Houston, TX 77002.

3. Plaintiff in the State Court Action is Scott Hill ("Plaintiff"). Plaintiff is represented by Efrain Gonzalez Jr. (Texas Bar No. 24084739) of EGJ LAW, PLLC, 1300 W. 19th St., #7475, Houston, TX 77248, (713) 417-5015, eservice@egjlawfirm.com. Defendant Hyatt Corporation d/b/a Hyatt Centric The Woodlands is the Defendant in the State Court Action and is represented by Michael A. Logan (Texas Bar No. 12497500) and John W. "Jack" Delaney (Texas Bar No. 24125200) of Kane Russell Coleman Logan PC, 901 Main Street, Suite 5200, Dallas, Texas 75202, (214) 777-4200, mlogan@krcl.com, jdelaney@krcl.com.

II. **STATE COURT ACTION**

4. Plaintiff claims that on September 5, 2020, he was injured while a guest at the Hyatt Centric Hotel located at 9595 Six Pines Dr. #1100, The Woodlands, TX 77380, when he slipped and fell in the parking area.

5. Plaintiff requested a trial by jury in the State Court Action, but the jury fee has not been paid.

III. **GROUND FOR REMOVAL**

6. Defendant files this Notice of Removal on the grounds of diversity jurisdiction under 28 U.S.C. § 1332(a). A suit may be removed from state court to federal court on the grounds of diversity jurisdiction when the suit involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Except as otherwise expressly provided by an Act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the place where the action is pending. *See* 28 U.S.C. § 1441. The Houston Division of the

Southern District of Texas is the United States district and division embracing Harris County, Texas, the county in which the State Court Action is pending.

A. This Notice of Removal is timely filed.

8. The citation and petition in this action were served on Defendant on September 14, 2022, by serving Defendant's registered agent. This Notice of Removal is filed within thirty (30) days of receipt of the citation and petition and is, therefore, timely filed pursuant to U.S.C. § 1446(b).

B. Complete diversity exists between the parties properly joined.

9. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332(a) and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446. Complete diversity exists in this case because Plaintiff and Defendant are citizens of different states.

10. As stated in Plaintiff's Original Petition, Plaintiff is a resident of Texas. He lives in Huntsville, Texas, which is located in Walker County, Texas. Thus, Plaintiff is now, and was at the time this action commenced, a citizen of the State of Texas.

11. Defendant Hyatt Corporation is a corporation formed under the laws of the State of Delaware, having its principal place of business now and at the time this action was commenced in Chicago, Illinois. Therefore, Defendant Hyatt Corporation is not a citizen of the State of Texas.

12. Accordingly, complete diversity exists pursuant to 28 U.S.C. § 1332.

C. The amount in controversy requirement is satisfied.

14. As reflected in Plaintiff's Original Petition, the amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000. Specifically, Plaintiff seeks monetary relief between \$250,000 and \$1,000,000. *See* Plaintiff's Original Petition, ¶12. Therefore, the

estimate of damages that has been put at issue in this action by Plaintiff and the amount in controversy in this action exceeds \$75,000.

15. Removal of the State Court Action is proper pursuant to 28 U.S.C. § 1441, because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332(a) because Plaintiff and Defendant are diverse in citizenship.

WHEREFORE, Defendant, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action for trial from the 113th Judicial District, Harris County, Texas.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Michael A. Logan

Michael A. Logan
Attorney-in-Charge
TX State Bar No. 12497500
E-Mail: mlogan@krcl.com

901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4294
Facsimile: (214) 777-4299

**ATTORNEY FOR DEFENDANT HYATT
CORPORATION D/B/A HYATT CENTRIC THE
WOODLANDS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 27th day of September, 2022, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for Plaintiff by operation of the Court's electronic filing system, unless counsel for Plaintiff is not registered with the CM/ECF system, in which case the undersigned certifies that a copy of the foregoing document was sent to counsel for Plaintiff via certified mail, return receipt requested.

/s/ Michael A. Logan

Michael A. Logan

EXHIBIT 1

CAUSE NO. _____

SCOTT HILL	§	IN THE DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
HYATT CORPORATION D/B/A	§	
HYATT CENTRIC THE WOODLANDS	§	
<i>Defendant</i>	§	_____ JUDICIAL DISTRICT

PLAINTIFF SCOTT HILL'S ORIGINAL PETITION, RULE 193.7 NOTICE, AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **Scott Hill**, (hereinafter "Plaintiff"), and files this Original Petition, Rule 193.7 Notice, and Jury Demand, complaining of **Hyatt Corporation d/b/a Hyatt Centric The Woodlands** (hereinafter "Defendant"). Plaintiff, for cause of action, would respectfully show the following:

I. DISCOVERY CONTROL PLAN

Plaintiff hereby requests that discovery in this case be conducted pursuant to Texas Rule of Civil Procedure 190.3 (Level 2). Plaintiff requests this Court to issue a Docket Control Order in accordance with a Level 2 discovery plan. If such be necessary, the parties will submit an Agreed Docket Control Order for the Court to sign.

II. JURISDICTION & VENUE

This Court has jurisdiction in this lawsuit since the damages to Plaintiff are within the jurisdictional limits of this Court.

All or a substantial part of the events or omissions giving rise to Plaintiff's causes of action occurred in Harris County, Texas. Therefore, venue is proper pursuant to §§15.001 and 15.002(a)(1) of the Texas Civil Practice & Remedies Code.

III. PARTIES

Plaintiff is an individual presently residing in Texas.

Defendant Hyatt Corporation d/b/a Hyatt Centric The Woodlands is a company doing business in the state of Texas, and may be served through its registered agent United States Corporation Co., 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

IV. FACTUAL BACKGROUND

On or about September 5, 2020, Plaintiff was visiting the Hyatt Centric The Woodlands as an invitee whom had purchased a room for overnight stay. The property is managed and operated by Defendant. As Plaintiff was entering the premises from the parking area, he slipped and fell due to debris and water at the entrance of the hotel from the parking area, causing Plaintiff severe bodily injury, which required surgical repair. Defendant has failed to provide evidence requested, including video recording evidence of the subject incident.

V. CAUSES OF ACTION

Plaintiff hereby incorporates by reference the forgoing allegations in Section IV of these pleadings.

At the time of the incident in question, Plaintiff was an invitee of Defendant. Defendant knew or should have known of the unreasonably dangerous condition and neither corrected nor warned Plaintiff of it. Plaintiff did not have any knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendant either created the condition and/or failed to correct the condition or to warn Plaintiff about the dangerous condition, which constituted negligence, and such negligence was a proximate cause of the occurrence in question and Plaintiff's resulting injuries.

Plaintiff would show that, based on the above-described facts, Defendant was negligent. Defendant, as occupier and owner of the premises, with control over the premises, had a duty to inform Plaintiff of the dangerous condition and make safe the defective condition existing on Defendant's premises.

Defendant is liable to Plaintiff under the theory of premises liability and negligence based on the following negligent conduct:

- (a) Failure to maintain the premises in a reasonably safe condition;
- (b) Failure to inspect the premises where the dangerous condition existed;
- (c) Failure to correct the condition by taking reasonable measure to safeguard persons on the premises;
- (d) Failure to inform Plaintiff of the dangerous condition existing on the premises;
- and
- (e) Other acts deemed negligent.

Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

Defendant was also negligent in that it failed to act as reasonably prudent premise owner would act in the same or similar situation.

VI. DAMAGES

As a direct and proximate result of the above-described actions of Defendant, Plaintiff will show that he has suffered actual damages within the jurisdictional limits of this Court. Plaintiff has suffered physical pain and suffering and mental anguish in the past and, in reasonable probability, will suffer physical pain and suffering and mental anguish in the future. Plaintiff has suffered physical impairment, and loss of enjoyment of life, in the past and will continue to suffer these damages in the future. Plaintiff has incurred medical and pharmaceutical expenses in the past and, in reasonable medical probability, will incur medical and pharmaceutical expenses in the future.

VII. JURY DEMAND

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiff respectfully requests and demands a trial by jury. The appropriate jury fee will be tendered after the filing of this pleading and prior to trial.

VIII. RULE 193.7 NOTICE

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

IX. PRAYER

For the reasons discussed herein, Plaintiff prays this court order Defendant to appear and answer herein and that Plaintiff have judgment taken against Defendant, and recover all damages allowed by law, pre-judgment and post judgment interest as allowed by law, punitive damages, costs of court, and such other and further relief, both general and special, at law or in equity, to which Plaintiff may show himself justly entitled between \$250,000 and \$1,000,000.00 including but not limited to:

- (a) Past and future medical damages;
- (b) Past and future physical pain and suffering and mental anguish;
- (c) Past and future impairment and disfigurement;
- (d) Costs of Court; and
- (e) Whatever further relief the Court may deem justly appropriate.

Respectfully submitted,

 **EGJ[®] LAW**
PLLC

By: /s/ Efrain Gonzalez Jr.

EFRAIN GONZALEZ JR.

State Bar No. 24084739

1300 W. 19th St., #7475

Houston, Texas 77248

Tel: 713.417.5015

Fax: 833.657.2486

eservice@egjlawfirm.com

ATTORNEY FOR PLAINTIFF

EXHIBIT 2

AS
9/14/22

Receipt Number: 961880
Tracking Number: 74049147

EML
COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 202256026

PLAINTIFF: HILL, SCOTT

In the 113th Judicial

vs.

District Court of

DEFENDANT: HYATT CORPORATION (D/B/A HYATT
CENTRIC THE WOODLANDS)

Harris County, Texas

CITATION

THE STATE OF TEXAS
County of Harris

TO: HYATT CORPORATION (D/B/A HYATT CENTRIC THE WOODLANDS) MAY BE SERVED THROUGH ITS
REGISTERED AGENT

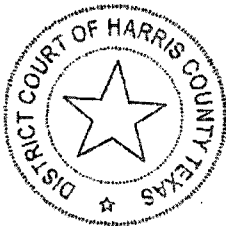
UNITED STATES CORPORATION CO
211 E 7TH STREET SUITE 620
AUSTIN TX 78701-3218

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION RULE 193.7 NOTICE AND JURY
DEMAND.

This instrument was filed on September 6, 2022, in the above numbered and styled
cause on the docket in the above Judicial District Court of Harris County, Texas, in
the courthouse in the City of Houston, Texas. The instrument attached describes the
claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not
file a written answer with the District Clerk who issued this citation by 10:00 a.m.
on the Monday next following the expiration of twenty days after you were served this
citation and petition, a default judgment may be taken against you. In addition to
filing a written answer with the clerk, you may be required to make initial
disclosures to the other parties of this suit. These disclosures generally must be
made no later than 30 days after you file your answer with the clerk. Find out more
at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this
September 9, 2022.



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002

Generated By: CECILIA THAYER

Issued at request of:
GONZALEZ, EFRAIN JR.
1300 W 19TH ST #7475
HOUSTON, TX 77248
713-417-5015
Bar Number: 24084739

Tracking Number: 74049147
EML

CAUSE NUMBER: 202256026

PLAINTIFF: HILL, SCOTT

In the 113th

vs.

Judicial District Court

DEFENDANT: HYATT CORPORATION (D/B/A HYATT
CENTRIC THE WOODLANDS)

of Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock _____. M., on the _____ day of _____, 20____.

Executed at (address) _____
in _____ County
at _____ o'clock _____. M., on the _____ day of _____, 20____,

by delivering to _____ defendant,

in person, a true copy of this
Citation together with the accompanying _____ copy(ies) of the
_____ Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, 20____.

FEE: \$ _____

_____ of _____

County, Texas

Affiant

By: _____
Deputy

On this day, _____, known to me to be
the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn,
he/she stated that this citation was executed by him/her in the exact manner recited
on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ of _____, 20____

Notary Public

EXHIBIT 3

CAUSE NO. 202256026

SCOTT HILL,

Plaintiff,

v.

HYATT CORPORATION D/B/A
HYATT CENTRIC THE
WOODLANDS

Defendant.

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IN THE DISTRICT COURT

113TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER**HYATT CORPORATION D/B/A HYATT CENTRIC THE WOODLANDS**

("Defendant") files its Original Answer, as follows:

I.
GENERAL DENIAL

1. Pursuant to Texas Rule of Civil Procedure 92, Defendant denies each and every allegation contained in Plaintiff's Original Petition, and any amendments or supplements thereto, and demands strict proof thereof in accordance with the Texas Rules of Civil Procedure.

II.
AFFIRMATIVE DEFENSES

2. As permitted by Rule 94 of the Texas Rules of Civil Procedure, Defendant asserts the following by way of affirmative defenses that may be shown by the evidence:

- a. The comparative negligence of Plaintiff in failing to use ordinary care was a proximate cause or the sole proximate cause of Plaintiff's injuries, if any. Pursuant to Chapter 33 of the Texas Civil Practice & Remedies Code, Defendant requests that the jury assess the comparative negligence, if any, of all parties to this lawsuit. Defendant asserts that it may only be liable to Plaintiff for its percentage of responsibility as determined by the trier of fact with regard to Plaintiff's alleged damages in the above-styled lawsuit.

- b. Pursuant to § 41.0105 of the Texas Civil Practice & Remedies Code, the recovery of medical or healthcare expenses incurred is limited to the amount actually paid or incurred by or on behalf of Plaintiff. Furthermore, at the trial of the above-styled cause, Plaintiff may only offer and/or present evidence to the trier of fact related to the medical and/or healthcare expenses actually paid or incurred minus any offsets or adjustments allowed by the medical or healthcare providers.
- c. The risk of falling on naturally occurring debris was an open and obvious danger of which Plaintiff knew, or of which he was charged with knowledge, and as such eliminated any duty to warn on the part of Defendant.
- d. If prejudgment interest is recoverable in this case, it is limited in accordance with § 304.101, et seq. of the Texas Finance Code.
- e. If post-judgment interest is recoverable in this case, it is limited in accordance with § 304.003(c) of the Texas Finance Code.

III.
RULE 193.7 NOTICE

3. Pursuant to Texas Rule of Civil Procedure 193.7, Defendant notifies all parties that all documents produced during discovery may be used at any pre-trial proceeding and/or trial without the necessity of authenticating the documents.

WHEREFORE, Defendant prays that Plaintiff take nothing by this action, that Defendant recover its costs and attorneys' fees incurred herein, and that Defendant be granted such other and further relief to which it may be entitled.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Michael A. Logan
Michael A. Logan
State Bar No. 12497500
E-Mail: mlogan@krcl.com

901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4294
Facsimile: (214) 777-4299

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document was served on the following counsel of record this 26th day of September 2022:

Via E-Service: eservice@egjlawfirm.com
Efrain Gonzalez Jr.
EGJ LAW PLLC
1300 W. 19th St., #7475
Houston, TX 77248

/s/ Michael A. Logan

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Crystal Rose on behalf of Michael Logan

Bar No. 12497500

crose@krcl.com

Envelope ID: 68608052

Status as of 9/26/2022 2:03 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Efrain Gonzalez	24084739	eservice@egjlawfirm.com	9/26/2022 1:19:33 PM	SENT
Crystal Rose		crose@krcl.com	9/26/2022 1:19:33 PM	SENT
Christina Woodard		cwoodard@krcl.com	9/26/2022 1:19:33 PM	SENT
Jack Delaney		jdelaney@krcl.com	9/26/2022 1:19:33 PM	SENT
Michael Logan		mlogan@krcl.com	9/26/2022 1:19:33 PM	SENT

EXHIBIT 4

HCDistrictclerk.com

HILL, SCOTT vs. HYATT CORPORATION (D/B/A HYATT
CENTRIC THE WOODLANDS)

9/26/2022

Cause: 202256026 CDI: 7 Court: 113

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SETTINGS

No Settings found.

NOTICES

No Notices found.

SUMMARY**CASE DETAILS**

File Date	9/6/2022
Case (Cause) Location	
Case (Cause) Status	Active - Civil
Case (Cause) Type	Premises
Next/Last Setting Date	N/A
Jury Fee Paid Date	9/6/2022

CURRENT PRESIDING JUDGE

Court	113 th
Address	201 CAROLINE (Floor: 10) HOUSTON, TX 77002 Phone:7133686113
JudgeName	RABEEA COLLIER
Court Type	Civil

ACTIVE PARTIES

Name	Type	Post Jdgm	Attorney
HILL, SCOTT	PLAINTIFF - CIVIL		GONZALEZ, EFRAIN JR.
HYATT CORPORATION (D/B/A HYATT CENTRIC THE WOODLANDS)	DEFENDANT - CIVIL		LOGAN, MICHAEL ALAN
HYATT CENTRIC THE WOODLANDS	DEFENDANT - CIVIL		LOGAN, MICHAEL ALAN
HYATT CORPORATION (D/B/A HYATT CENTRIC	REGISTERED AGENT		

THE WOODLANDS) MAY BE SERVED

INACTIVE PARTIES

No inactive parties found.

JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs Volume /Page	Filing Attorney	Person Filing
9/26/2022	ANSWER ORIGINAL PETITION			0	LOGAN, MICHAEL ALAN	HYATT CENTRIC THE WOODLANDS
9/26/2022	ANSWER ORIGINAL PETITION			0	LOGAN, MICHAEL ALAN	HYATT CORPORATION (D/B/A HYATT CENTRIC THE WOODLANDS)
9/6/2022	ORIGINAL PETITION			0	GONZALEZ, EFRAIN JR.	HILL, SCOTT

SERVICES

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION	SERVICE ISSUED/IN POSSESSION OF SERVING AGENCY	ORIGINAL PETITION	HYATT CORPORATION (D/B/A HYATT CENTRIC THE WOODLANDS) MAY BE SERVED	9/6/2022	9/9/2022				74049147	E-MAIL
211 E 7TH STREET SUITE 620 AUSTIN TX 78701										

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
104239936	Defendant's Original Answer		09/26/2022	4
	Defendant's Original Answer		09/26/2022	
103868219	Plaintiff Scott Hills Original Petition, Rule 193.7 Notice, and Jury Demand		09/06/2022	6
·> 103868220	Civil Case Information Sheet		09/06/2022	1
·> 103868221	Request for Issuance of Service		09/06/2022	1